REMARKS

Claims 1-12, 14-18, 20-23, and 25-30 remain pending in this application. The pending claims stand rejected. Claims 1, 26, and 29 are independent claims. The applicant traverses the rejections of the pending claims.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 5-8, 10-12, 14-18, 20-23, and 25-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0115448, application of Bouchard (Bouchard) in view of U.S. Publication No. 2002/0065042, application of Picoult, et al. (Picoult) and further in view of U.S. Publication No. 2004/0117456, application of Brooks (Brooks). Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouchard in view of Picoult, in view of Brooks, and further in view of U.S. Patent No. 6,795,924, application of Kiessling et al. (Kiessling). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouchard in view of Picoult, in view of Brooks, and further in view of U.S. Publication No. 2003/0031320, application of Fan et al. (Fan). These rejections are traversed.

Claim 1 recites that the second attachment is automatically provided by the server to the mobile device when the secure message is opened in response to a user request. In rejecting this subject matter, the office action cited paragraph 31 of Picoult. The cited paragraph from Picoult reads as follows (emphasis added):

> [0031] The method flow chart continues at step 260 where data center 120 sends to recipient's determined preferred mobile device 130 *a message and any attachments*. *The message* may be sent directly, automatically, and in accordance with a predetermined sent of criteria or upon the user prompting the request. At step 270, recipient selects on mobile device 130 *which message* recipient desires to receive. At step 280, the recipient may be queried as to whether or not the recipient would like *the message* to be sent securely. If the answer to the query at step 280 is "no", then the

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method progresses directly along path A. If, however, the answer to the query at step 280 is "yes," then the method proceeds to step 290 where the message is processed for secure transmission. Secure transmission may be effected in a variety of methods such as by public key, private key encryption, or the like. Such security techniques are well-known in the art of secure messaging; therefore, a detailed description of these secure transfer technologies is not required for an understanding of this invention. The method then progresses from step 290 to continue along path A.

Picoult teaches in this paragraph that a message recipient can specify different options on how a message (which may or may not have any attachments) can be sent to the recipient. As shown by the emphasis above, the options specifically are directed to delivery of the message. In this paragraph of Picoult, the recipient has not even received the message and thus could not have opened the message as required in the last paragraph of claim 1. Additionally in this paragraph of Picoult, any attachments are sent with the message to the recipient and accordingly comprises the exact opposite context and subject matter of claim 1, which provides that the message and the attachment are sent separately, and thus the need arises for the separate transmission of the attachment in the last paragraph of claim 1. Because of the lack of teaching of this feature in Picoult of claim 1, claim 1 is allowable and should proceed to issuance.

The assignee disagrees with other positions in the office action as well. For example, claim 9 recites that a session key is received by the server from the mobile device for use by the server to decrypt the secure message which has been sent from an e-mail sender for routing to the mobile device. The office action relies on Fan in rejecting claim 9. Specifically, the office action cites paragraphs 36 and 44 of Fan. The cited paragraphs of Fan read (emphasis added):

> [0036] Encrypting the temporary session key 220 with the public key 226 permits the wireless device 102 to send the temporary session key 220 to the server 110 over the link 116 (FIG. 1), through the gateway 106, and over the WAN 108, in an encrypted fashion. The wireless device 102 may send the encrypted temporary session key to the server 110 as part of a session establishment packet, details of which are described below. The server 110 then decrypts the encrypted temporary session key using a server private key, as discussed in more detail below.

[0044] The temporary session key 318 is identical to the temporary session key 222 shown in FIG. 2 and described above except that the temporary session key 318 is stored in the memory 318. The payload decryption engine 312 uses the ***temporary session key 318 to decode payloads transmitted by the wireless device 102 that have been encoded by an associated temporary session key***, such at the temporary session key 222. Additional details regarding the server 110 are described below.
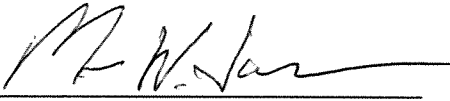
These paragraphs of Fan teach that data sent from a wireless device can be decoded by a temporary session key that has also been sent from the wireless device. In other words, the temporary session key is used for data from the wireless device. There is no teaching in Fan that a session key is being used for data which has been sent from an e-mail sender for routing to the mobile device. Claim 9 has been amended to emphasize this aspect by explicitly reciting that the secure message has been sent from an e-mail sender for routing to the mobile device. Support for this amendment is found in applicant's specification, such as on page 9, lines 1-6, of the applicant's specification. Because of the clarifying amendment which further distinguishes from the teaching of Fan, claim 9 is allowable and should proceed to issuance.

Independent claims 26 and 29 recite subject matter analogous to the subject matter of claim 1. Thus, claims 26 and 29 are patentable over the cited references for at least the reasons set forth above with respect to claim 1. In addition, it is noted that the assignee has not provided arguments with respect to certain of the dependent claims in the instant application. This is done without prejudice to the assignee's right to present arguments regarding any of the dependent claims at any point in the future. Further, because each of the dependent claims in the instant application depends from a base claim that is itself allowable, the dependent claims are allowable for at least the reasons set forth with respect to the base claims.

CONCLUSION

For the foregoing reasons, assignee respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issuance.

Respectfully submitted,

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